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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,019	06/30/2003	Janne Jalkanen	4208-4134	1916
27123	7590	11/01/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			TSEGAYE, SABA	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/608,019

Applicant(s)

JALKANEN ET AL.

Examiner

Saba Tsegaye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-31, 40 and 41 is/are allowed.
- 6) ☒ Claim(s) 5-18, 32 and 42 is/are rejected.
- 7) ☒ Claim(s) 1-4 and 33-39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to the amendment filed 08/22/06. Claims 1-42 are pending. Claims 19-31, 40 and 41 are allowed. Claims 1-4 and 33-39 are objected.

### ***Claim Objections***

2. Claims 1, 11, 33 and 36-39 are objected to because of the following informalities: claim 1: line 3; claim 11, line 2; claim 33, line 2; claim 3 line 3; claim 36, line 3; claim 37, line 3; claim 38, line 2; claim 39, line 2: the phrase "capable of" performs a function that is not a positive limitation. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

### ***Claim Rejections - 35 USC § 112***

3. Claims 5-18, 32 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5, line 15, it is not clear whether "a transponder" refers to the same transponder cited in line 8.

Claim 6, line 2, the phrase "the device" lacks antecedent basis.

Claim 11, line 9, the phrase "the mobile terminal" lacks antecedent basis.

Claim 42, line 5, the phrase "the Internet" lacks antecedent basis.

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4. Regarding claim 32, the phrase "may include" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

5. Claims 32 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramamurthy et al. (US 6,853,294).

Regarding claim 32, Ramamurthy discloses a method for writing a packetized data to a data carrier, where the data carrier is an RFID tag, comprising:

determining if a tag is writeable (the control logic 56 accesses the memory 58 to read and/or write data therefrom; column 5, lines 55-56) (the processor 46 reads the designated fields and determines whether the designated fields contain valid data (a known protocol or unknown tag protocol); if it is unknown the reader forwards the data to a generic process in the server 22), and if so, alerting and application program executable in (mobile device) **or a network** to prepare to transmit data after a reader completes a handshake with the tag (if it is unknown the reader forwards the data to a generic process in the server 22; column 7, lines 11-39);

transmitting the data to the reader from the application program for retransmission to the tag (column 4, line 56-column 5, line 10);

appending a RFID header to the data (each data packet communicated using the TCP/IP protocol including a header portion that contains the TCP and IP information);

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receiving and storing the transmitted data in the tag which may include over-wiring the data in an erasable read-only memory included in the tag (column 5, line 22-column 6, line 14); and transmitting an acknowledgment signal to the application via the reader (TCP represents a common connection-oriented protocol and expects an acknowledgment from the receiving node).

Ramamurthy does not disclose an RFID system in a mobile

Ramamurthy discloses, in Figs. 2 and 3, a transponder (50) for an RFID system, comprising:

- a) a substrate including RF receiving and transmitting means (54) (column 5, lines 40-44);
- b) data storage means (58) storing packetized data in standardized and globally addressable data formats transportable in the Internet (TCP format is a standardized and globally addressable data format; see instant Application page 6, lines 5-16) column 5, line 65-column 6, line 14) ; and
- c) identifying code (the processor 46 reads the designated fields and determines a message format based on the protocol defined by the port number) in the format identifying the data format (the port Number determine the protocol used in the RFID tag 14 and the associated software application that supports the protocol; column 7, lines 40-55) and an indication whether the data should be processed locally at a reader device (computer system includes RFID reader 44, a server 22 and computers 24; see column 4, lines 33-34; further the server 22 determines (based on the IP address (an indication)) whether the data should be processed locally within the

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computer network or external to the network) communicating with the transponder or sent to and external destination for processing (column 6, lines 15-41).

*Allowable Subject Matter*

6. Claims 19-31, 40 and 41 are allowed.
7. Claims 5-18, 32 and 42 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

*Response to Arguments*

8. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ST  
October 28, 2006



DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
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